

AMENDED IN SENATE AUGUST 18, 2003

AMENDED IN SENATE JULY 16, 2003

AMENDED IN SENATE JULY 3, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1700

Introduced by Assembly Members Laird and Wiggins

February 25, 2003

An act to add Section ~~25253.5~~ 25353.5 to the Health and Safety Code, and to add Section 13177.7 to the Water Code, relating to hazardous substances, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1700, as amended, Laird. ~~Budget Act of 2003: contaminated~~
Contaminated sites: funding: remediation.

Existing law, the Carpenter-Presley-Tanner Hazardous Substance Account Act, imposes liability for hazardous substance removal or remedial actions and requires the Department of Toxic Substances Control to adopt, by regulation, criteria for the selection and for the priority ranking of hazardous substance release sites for removal or remedial action under the act. The act authorizes the department to expend the funds in the Toxic Substances Control Account in the General Fund, upon appropriation by the Legislature, to pay for, among other things, removal and remedial actions related to the release of hazardous substances. Existing law generally requires the Controller to abolish any state position that is vacant for 6 consecutive months on the following July 1.

This bill would prohibit the Controller and the Director of Finance from eliminating any staff position of the department funded from ~~Schedule (6) of Item 396-001-0014, Item 3960-001-0557, or Item 3960-001-0890 of Section 2.00 of the Budget Act of 2003~~ related to the *through an agreement with a responsible party or by a federal grant that does not require a state match funded from the General Fund, that provides oversight of projects associated with remediation and revitalization of contaminated properties hazardous substance management at military bases, including, but not limited to, closed military bases.* The bill would also prohibit the Controller and the Department of Finance from imposing any hiring freeze or personal services limitations, including any staff position reductions, upon any staff position of the department funded from ~~in those budget items~~ *manner and that provides those services*, and would require the Controller and the Department of Finance to exclude, from the department's base for purposes of calculating any budget or staff position reductions required by ~~the other any state agency or state law; including the Budget Act of 2003,~~ the specific amounts and positions ~~from those budget items that are funded in those manners and provide those services.~~ The bill would also prohibit the Controller and the Department of Finance from requiring the department to reduce authorized positions or other appropriations for other department programs, including personal services, to implement those prohibitions and requirements.

The bill would authorize the department to establish staff positions to avoid undue delays in the department's oversight activities associated with remediation and ~~revitalization of contaminated properties hazardous substance management at military bases, that are funded by a responsible party or by a federal grant that does not require a state match funded from the General Fund.~~ The bill would also require the Controller, upon request of the department, and upon review and approval by the Department of Finance, to augment ~~the any Budget Act appropriations made in those budget items, except for appropriations from the General Fund, necessary to implement these provisions.~~ The bill would provide that these provisions do not apply to any department appropriation or expenditure of General Fund moneys.

The bill would also impose similar restrictions and requirements upon the Controller and the Department of Finance with regard to any position of the State Water Resources Control Board funded from ~~Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890 of Section~~



~~2.00 of the Budget Act of 2003 through an agreement with a state agency or responsible party or by a federal grant that does not require a state match funded from the General Fund, related to the oversight of projects associated with remediation and revitalization of contaminated properties at military bases, including, but not limited to, closed military bases.~~

Vote: majority. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 25253.5 is added to the Health and~~
2 ~~Safety Code, to read:~~
3 *SECTION 1. Section 25353.5 is added to the Health and*
4 *Safety Code, to read:*
5 *25353.5. (a) (1) Notwithstanding Section 12439 of the*
6 *Government Code, the Controller may not eliminate any position*
7 *that provides oversight and related support of remediation and*
8 *hazardous substance management at a military base, including a*
9 *closed military base, that is funded through an agreement with a*
10 *party responsible for paying the department's costs, and may not*
11 *eliminate any direct or indirect position that is funded by a federal*
12 *grant that does not require a state match funded from the General*
13 *Fund.*
14 *(2) Notwithstanding any other provision of law, including*
15 *Section 4.10 of the Budget Act of 2003, for the 2003–04 and*
16 *2004–05 fiscal years, the Director of Finance may not eliminate*
17 *any position that provides oversight and related support of*
18 *remediation and hazardous substance management at a military*
19 *base, including a closed military base, that is funded through an*
20 *agreement with a party responsible for paying the department's*
21 *costs, and may not eliminate any direct or indirect position that is*
22 *funded by a federal grant that does not require a state match*
23 *funded from the General Fund.*
24 *(b) Neither the Controller nor the Department of Finance may*
25 *impose any hiring freeze or personal services limitations,*
26 *including any position reductions, upon any position of the*
27 *department that provides oversight and related support of*
28 *remediation and hazardous substance management at a military*
29 *base, including a closed military base, that is funded through an*

1 agreement with a party responsible for paying the department's
2 costs, or on any direct or indirect position that is funded by a
3 federal grant that does not require a state match funded from the
4 General Fund.

5 (c) The Controller and Department of Finance shall exclude,
6 from the department's base for purposes of calculating any budget
7 or position reductions required by any state agency or any state
8 law, the specific amounts and positions that provide oversight and
9 related support of remediation and hazardous substance
10 management at a military base, including a closed military base,
11 that are funded through an agreement with a party responsible for
12 paying the department's costs, and shall exclude the specific
13 amounts and any direct or indirect positions that are funded by a
14 federal grant that does not require a state match funded from the
15 General Fund.

16 (d) Notwithstanding any other provision of law, neither the
17 Controller nor the Department of Finance may require the
18 department to reduce authorized positions or other appropriations
19 for other department programs, including personal services, to
20 replace the reductions precluded by subdivisions (a), (b), and (c).

21 (e) The department may administratively establish any position
22 that provides oversight and related support of remediation and
23 hazardous substance management at a military base, including a
24 closed military base, that is funded through an agreement with a
25 party responsible for paying the department's costs, and may
26 administratively establish any direct or indirect position that is
27 funded by a federal grant that does not require a state match
28 funded from the General Fund, in order to avoid an undue delay
29 in any of those activities.

30 (f) Notwithstanding any other provision of law, upon the
31 request of the department, and upon review and approval by the
32 Department of Finance, the Controller shall augment any Budget
33 Act appropriations, except for appropriations from the General
34 Fund, necessary to implement this section.

35 (g) This section does not apply to any department
36 appropriation or expenditure of General Fund moneys.

37 SEC. 2. Section 13177.7 is added to the Water Code, to read:
38 13177.7. (a) (1) Notwithstanding Section 12439 of the
39 Government Code, the Controller may not eliminate any position
40 that provides oversight and related support of remediation at a

1 *military base, including a closed military base, that is funded*
2 *through an agreement with a state agency or party responsible for*
3 *paying the state board's costs, and may not eliminate any direct or*
4 *indirect position that is funded by a federal grant that does not*
5 *require a state match funded from the General Fund.*

6 (2) *Notwithstanding any other provision of law, including*
7 *Section 4.10 of the Budget Act of 2003, the Director of Finance*
8 *may not eliminate any position that provides oversight and related*
9 *support of remediation at a military base, including a closed*
10 *military base, that is funded through an agreement with a state*
11 *agency or party responsible for paying the state board's costs, and*
12 *may not eliminate any direct or indirect position that is funded by*
13 *a federal grant that does not require a state match funded from the*
14 *General Fund.*

15 (b) *Neither the Controller nor the Department of Finance may*
16 *impose any hiring freeze or personal services limitations,*
17 *including any position reductions, upon any position of the state*
18 *board that provides oversight and related support of remediation*
19 *at a military base, including a closed military base, that is funded*
20 *through an agreement with a state agency or party responsible for*
21 *paying the state board's costs, or on any direct or indirect position*
22 *that is funded by a federal grant that does not require a state match*
23 *funded from the General Fund.*

24 (c) *The Controller and the Department of Finance shall*
25 *exclude, from the state board's base for purposes of calculating*
26 *any budget or position reductions required by any state agency or*
27 *any state law, the specific amounts and positions that provide*
28 *oversight and related support of remediation at a military base,*
29 *including a closed military base, that are funded through an*
30 *agreement with a state agency or party responsible for paying the*
31 *state board's costs, and shall exclude the specific amounts and any*
32 *direct or indirect positions that are funded by a federal grant that*
33 *does not require a state match funded from the General Fund.*

34 (d) *Notwithstanding any other provision of law, neither the*
35 *Controller nor the Department of Finance may require the state*
36 *board to reduce authorized positions or other appropriations for*
37 *other state board programs, including personal services, to*
38 *replace the reductions precluded by subdivisions (a), (b), and (c).*

39 (e) *The state board may administratively establish any position*
40 *that provides oversight and related support of remediation at a*

1 *military base, including a closed military base, that is funded*
2 *through an agreement with a state agency or party responsible for*
3 *paying the state board's costs, and may administratively establish*
4 *any direct or indirect position that is funded by a federal grant that*
5 *does not require a state match funded from the General Fund, in*
6 *order to avoid undue delay in any of those activities, if all employee*
7 *compensation, personal services, and related costs, including*
8 *increases in personal services expenses resulting from collective*
9 *bargaining, are fully funded by a party responsible for the*
10 *remediation of a military base or a Department of Defense State*
11 *Memorandum Agreement grant.*

12 *(f) Notwithstanding any other provision of law, upon the*
13 *request of the state board, and upon review and approval of the*
14 *Department of Finance, the Controller shall augment any Budget*
15 *Act appropriations, except for appropriations from the General*
16 *Fund, necessary to implement this section.*

17 *(g) This section does not apply to any state board appropriation*
18 *or expenditure of General Fund moneys.*

19 ~~25253.5. (a) (1) Notwithstanding Section 12439 of the~~
20 ~~Government Code, the Controller may not eliminate any staff~~
21 ~~position of the department funded from Schedule (6) of Item~~
22 ~~3960-001-0014, Item 3960-001-0557, or Item 3960-001-0890 of~~
23 ~~Section 2.00 of the Budget Act of 2003 related to the oversight of~~
24 ~~projects associated with remediation and revitalization of~~
25 ~~contaminated properties, including, but not limited to, closed~~
26 ~~military bases.~~

27 ~~(2) Notwithstanding Section 4.10 of the Budget Act of 2003,~~
28 ~~the Director of Finance may not eliminate any staff position of the~~
29 ~~department funded from Schedule (6) of Item 3960-001-0014,~~
30 ~~Item 3960-001-0557, or Item 3960-001-0890 of Section 2.00 of~~
31 ~~the Budget Act of 2003 related to the oversight of projects~~
32 ~~associated with remediation and revitalization of contaminated~~
33 ~~properties, including, but not limited to, closed military bases.~~

34 ~~(b) Neither the Controller nor the Department of Finance may~~
35 ~~impose any hiring freeze or personal services limitations,~~
36 ~~including any staff position reductions, upon any positions of the~~
37 ~~department funded from Schedule (6) of Item 3960-001-0014,~~
38 ~~Item 3960-001-0557, or from Item 3960-001-0890 of Section 2.00~~
39 ~~of the Budget Act of 2003 related to the oversight of projects~~

1 ~~associated with remediation and revitalization of contaminated~~
2 ~~properties, including, but not limited to, closed military bases.~~

3 ~~(c) The Controller and the Department of Finance shall~~
4 ~~exclude, from the department's base for purposes of calculating~~
5 ~~any budget or staff position reductions required by any state~~
6 ~~agency or any state law, including the Budget Act of 2003, the~~
7 ~~specific amounts and positions from Schedule (6) of Item~~
8 ~~3960-001-0014, Item 3960-001-0557, and from Item~~
9 ~~3960-001-0890 of Section 2.00 of the Budget Act of 2003~~
10 ~~appropriated for the oversight of projects associated with~~
11 ~~remediation and revitalization of contaminated properties,~~
12 ~~including, but not limited to, closed military bases.~~

13 ~~(d) Notwithstanding any other provision of law, neither the~~
14 ~~Controller nor the Department of Finance may require the~~
15 ~~department to reduce authorized staff positions or other~~
16 ~~appropriations for other department programs, including personal~~
17 ~~services, to implement subdivision (a), (b), or (c).~~

18 ~~(e) The department may administratively establish staff~~
19 ~~positions to avoid an undue delay in the department's oversight~~
20 ~~activities associated with the remediation and revitalization of~~
21 ~~contaminated properties, including, but not limited to, closed~~
22 ~~military bases, if all employee compensation, personal services,~~
23 ~~and related costs, including increases in personal services~~
24 ~~expenses resulting from collective bargaining, are fully funded by~~
25 ~~a party responsible for the remediation of a military base or a~~
26 ~~Department of Defense State Memorandum of Agreement grant.~~

27 ~~(f) Notwithstanding any other provision of law, upon request~~
28 ~~of the department, and upon review and approval by the~~
29 ~~Department of Finance, the Controller shall augment the~~
30 ~~appropriations in Schedule (6) of Item 3960-001-0014, Item~~
31 ~~3960-001-0557, and Item 3960-001-0890 of Section 2.00 of the~~
32 ~~Budget Act of 2003 for the oversight of projects associated with~~
33 ~~remediation and revitalization of contaminated properties,~~
34 ~~including, but not limited to, closed military bases, as needed, to~~
35 ~~provide funding for any staff positions administratively~~
36 ~~established pursuant to subdivision (e) or compensation contained~~
37 ~~in a collective bargaining agreement.~~

38 ~~(g) This section does not apply to any appropriation or~~
39 ~~expenditure of General Fund moneys.~~

40 ~~SEC. 2.—Section 13177.7 is added to the Water Code, to read:~~

~~13177.7. (a) (1) Notwithstanding Section 12439 of the Government Code, the Controller may not eliminate any staff position of the State Water Resources Control Board funded from Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases.~~

~~(2) Notwithstanding Section 4.10 of the Budget Act of 2003, the Director of Finance may not eliminate any staff position of the State Water Resources Control Board positions funded from Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases.~~

~~(b) Neither the Controller nor the Department of Finance may impose any hiring freeze or personal services limitations, including any staff position reductions, upon any positions of the state board funded from Schedule (5) of Item 3940-001-0001 or Item 3940-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases.~~

~~(c) The Controller and the Department of Finance shall exclude, from the state board's base for purposes of calculating any budget or staff position reductions required by any state agency or any state law, including the Budget Act of 2003, the specific amounts and positions from Schedule (5) of Item 3940-001-0001 and Item 3940-001-0890 of Section 2.00 of the Budget Act of 2003 related to the oversight of projects associated with remediation and revitalization of contaminated properties, including, but not limited to, closed military bases.~~

~~(d) Notwithstanding any other provision of law, neither the Controller nor the Department of Finance may require the state board to reduce authorized staff positions or other appropriations for other board programs, including personal services, to implement subdivision (a), (b), or (c).~~

~~(e) The state board may administratively establish staff positions to avoid an undue delay in the state board's oversight~~

1 ~~activities associated with the remediation and revitalization of~~
2 ~~contaminated properties, including, but not limited to, closed~~
3 ~~military bases, if all employee compensation, personal services,~~
4 ~~and related costs, including increases in personal services~~
5 ~~expenses resulting from collective bargaining, are fully funded by~~
6 ~~a party responsible for the remediation of a military base or a~~
7 ~~Department of Defense State Memorandum of Agreement grant.~~

8 ~~(f) Notwithstanding any other provision of law, upon the~~
9 ~~request of the state board, and upon review and approval by the~~
10 ~~Department of Finance, the Controller shall augment the~~
11 ~~appropriations in Schedule (5) of Item 3940-001-0001 and Item~~
12 ~~3940-001-0890 of Section 2.00 of the Budget Act of 2003 for the~~
13 ~~oversight of projects associated with remediation and~~
14 ~~revitalization of contaminated properties, including, but not~~
15 ~~limited to, closed military bases, as needed, to provide funding for~~
16 ~~any staff positions administratively established pursuant to~~
17 ~~subdivision (c) or compensation contained in a collective~~
18 ~~bargaining agreement.~~

19 ~~(g) This section does not apply to any appropriation or~~
20 ~~expenditure of General Fund moneys.~~